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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,666	04/27/2000	Dean J. Blackketter	MS1-413US	4370

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LEE & HAYES PLLC
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SPOKANE, WA 99201

EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/560,666

Applicant(s)

BLACKKETTER ET AL.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37,39,47 and 51-53 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 37,39,47 and 51-53 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 37, 39, 47 and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,600,496 to Wagner in view of U.S. Patent 6,177,931 to Alexander and U.S. Patent 5,933,192 to Crosby.

Regarding claims 37, 39 and 51-52, Wagner discloses an apparatus comprising:

An interactive television device (figure 2) configured to display a TV program (column 3, lines 7-49, figures 5-6),

Displaying an interactive TV mode indicator if the displayed TV program supports an interactive TV mode (figure 6, animated character 41, column 6, lines 18-43);

Activating the mode in response to a user request (column 6, lines 44-55)

Opening an interactive window (figure 7, window 45, column 6, lines 44-55, column 7, lines 9-16).

A data tuning device 17 (cable modem) and video tuning device 16 are utilized in the interactive session (column 4, lines 16-21), along with information within the VBI of the received TV signal (column 6, lines 24-29).

Wagner fails to disclose updating a channel status list for interactive programs, including the time, and identifying all channels for which the interactive mode has been activated and the use of a plurality of data tuners to maintain the state of multiple channels.

Alexander discloses a user monitoring system that records when a user accesses interactive content, the time, and the corresponding channel (column 18, lines 33-53, column 28, lines 30-67), this data is then analyzed to determine user characteristics for targeted advertising purposes (column 29, lines 14-55, column 30, lines 16-37, column 33, lines 26-43), for the advantage of providing targeted advertisements which would be of the most interest to a user.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Wagner to utilize the monitoring of Alexander in order to analyze user characteristics to provide targeted advertising, thereby providing advertisements of the most interest to a user.

The combination of Wagner and Alexander fails to disclose the use of a plurality of data tuners to maintain the state of multiple channels.

Crosby discloses a system in which three or more data tuners are used in conjunction with video tuners and tracks what channels a user has viewed in the past, the multiple tuners stay tuned to the previously viewed channels (column 3, line 24-column 5, line 25, line 55-column 6, line 47, column 7, lines 22-33), thus providing quicker channel changes and reducing dwell time (column 1, line 54-column 2, line 29).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Wagner and Alexander to utilize the multiple data tuners as taught by Crosby, for the advantages of providing quicker channel changes and reducing well time (column 1, line 54-column 2, line 29).

Regarding claims 47 and 53, Wagner discloses a computer readable media having stored thereon a computer program that, when executed by one or more processors, causes one or more processors to:

Displaying a TV program with an associated channel (column 3, lines 7-49, figures 5-6),

Displaying an interactive TV mode indicator if the displayed TV program supports an interactive TV mode (figure 6, animated character 41, column 6, lines 18-43);

Activating the mode in response to a user request (column 6, lines 44-55)

Opening an interactive window (figure 7, window 45, column 6, lines 44-55, column 7, lines 9-16),

A data tuning device 17 (cable modem) and video tuning device 16 are utilized in the interactive session (column 4, lines 16-21), along with information within the VBI of the received TV signal (column 6, lines 24-29).

Wagner fails to disclose updating a channel status list for interactive programs, including the time, and identifying all channels for which the interactive mode has been activated and the use of a separate tuning device to maintain the interactive video status for each video channel.

Alexander discloses a user monitoring system that records when a user accesses interactive content, the time, and the corresponding channel (column 18, lines 33-53, column 28, lines 30-67), this data is then analyzed to determine user characteristics for targeted advertising purposes (column 29, lines 14-55, column 30, lines 16-37, column 33, lines 26-43).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Wagner to utilize the monitoring of Alexander in order to analyze user characteristics to provide targeted advertising, for the advantage of providing advertisements of the most interest to a user.

The combination of Wagner and Alexander fails to disclose the use of a plurality of separate tuners to maintain the state of multiple channels.

Crosby discloses a system in which three or more data tuners are used in conjunction with video tuners and tracks what channels a user has viewed in the past, the multiple tuners stay tuned to the previously viewed channels (column 3, line 24-

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column 5, line 25, line 55-column 6, line 47, column 7, lines 22-33), thus providing quicker channel changes and reducing dwell time (column 1, line 54-column 2, line 29).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Wagner and Alexander to utilize the multiple data tuners as taught by Crosby, for the advantages of providing quicker channel changes and reducing well time (column 1, line 54-column 2, line 29).

Conclusion

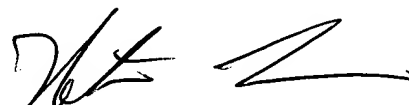
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HBL



Hunter B. Losberry
Patent Examiner
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